BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO.: 89-103-SPH

Petitioners

DANIEL ABBOTT

FINDINGS OF FACT AND CONCLUSIONS LAW

\* \* \* \* \* \* \*

The Petitioners herein request a special hearing to approve the nonconforming use of the subject properties as four (4) unit apartment buildings, as more particularly described in Petitioner's Exhibit 1.

At the beginning of the hearing, a Motion was made to amend the Petition for Special Hearing to request approval of 2534 Yorkway as a five (5) unit apartment building nonconforming ase. The Motion was granted, subject to the filing this date of an Amended Petition For Special Hearing, reposting of the property and further hearing on 2534 Yorkway, and with the further stipulation that testimony and evidence regarding both properties would be allowed today although testimony regarding 2534 Yorkway may be required again at the continued hearing. If no protestants appear at the continued hearing, affidavits of the witnesses today may be entertained at that time.

09/29/88:29'L'JB.1

The Petitioners, Brijdeo Shivnarain and Daniel Abbott, appeared, testified and were represented by Anthony J. DiPaula, Esquire. Also appearing on behalf of the Petitioners were: Michael B. Dallas, surveyor, Nancy J. Capecci and Marge Capecci. There were no Protestants.

Testimony indicated that the subject properties, known as 2532 and 2534 Yorkway, are zoned D.R. 10.5, and are improved with apartment buildings, one of which, 2532 Yorkway, presently contains four (4) apartments and the other, 2534 Yorkway, contains five (5). Mr. Abbott testified that he and his wife, brother and sister-in-law purchased the subject properties in 1980. He further testified that at the time they purchased the properties, 2532 contained four (4) apartments, and 2534 had five (5), one being located in the basement. He stated that 2532 had a fifth apartment which had not been rented for some time prior to his acquisition, nor since, because it was in need of renovations. His testimony indicated that all of the apartments in both buildings had been rented continuously since his acquisition, with the exception of short vacancies during changes in

09/29/88:29'L'JB.1

Mr. Shivnarain testified that he purchased 2534 Yorkway in May, 1988, and confirmed the continuous occupancy of the apartments since then. He further stated that he is contract purchaser of 2532, due to settle later today or tomorrow, contingent upon the results of this hearing.

Michael B. Dallas testified that he is a registered surveyor, licensed with the State of Maryland, and that he is familiar with the requirements of the Baltimore County Zoning Regulations and the zoning history relating to these properties. He has testified before this Deputy and the Zoning Commissioner on numerous occasions. He further testified that these properties, prior to 1955, were zoned "D" Residential which specifically permitted apartment buildings. As of 1955, these properties became nonconforming. Mr. Dallas testified that he prepared the site plan (Petitioners' Exhibit #1), that it accurately depicts the location of the improvements as they exist on these properties, and that with the one note correction that Hereon was accurate. Finally, his testimony was that the use of the subject properties was consistent with the neighboring properties.

Mrs. Nancy Capecci testified on behalf of the Petitioners, and she is becoming quite well known in proceedings regarding Yorkway. She testified that she first became ac09/29/88:29'L'JB.1

quainted with the apartment buildings on Yorkway in 1946 when she and her husband purchased 2528 Yorkway, located in the same group with the subject properties. They moved in in 1947 and lived there until 1962. They continued to own 2528 until 1985, but were nonresident landlords. She has been intimately familiar with the area and stated unequivocably that all of the buildings in the area were originally built between 1943 and 1946 with four (4) units, with the exception of 2534 which had a basement unit used initially as a sales office. Shortly after she moved into 2528, the sales office was converted to a fifth apartment. She distinctly recalled knowing families that rented the fifth unit and who had children the same age as and who played with her children. She identified Petitioners' Exhibit #2 as a copy of a flyer advertising the properties for sale in the 1940's, the original of which she had with her as part of her records. She further testified that all of the buildings in that immediate area were continuously and uninterruptedly occupied, including 2532 as a four (4) unit and 2534 as a five (5) unit.

Mrs. Marge Capecci was the final witness. She tes-ि 🚨 🛣 tified that she lived in 2526 Yorkway for approximately two (2) years beginning in 1945, then moved closeby to her present home but not in the Yorkway neighborhood. She recalled that the sales office in 2534 became an apartment in approximately 1946 and that most if not all of the other buildings then had four (4) apart-

PETITION FOR SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

The non-conforming use of two (2) four-unit apartment dwellings

Property is to be posted and advertised as prescribed by Zoning Regulations

89-103-5PH

I/We do solemnly declare and affirm,

which is the subject of this Petition.

under the penalties of perjury, that I/we D. 12 have the legal owner(s) of the property

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

in a D.R. 10.5 zone.

09/29/88:29'L'JB.1

ments. She had and continues to have occasion to frequent the area of the subject properties, and confirmed their continuous and vainterrupted occupancy.

Petitioners also submitted an affidavit of one Anita Cavoures confirming the use of the subject properties dating back to the late 1940's. Testimony indicated that the subject properties were zoned "D" Residence Zone which permitted as of right an apartment building under the 1945 Zoning Regulations. Counsel argued that since all four (4) apartments in 2532 were in existence prior to the 1955 regulations taking effect, said use should be permitted to continue as a nonconforming use.

The Petitioners seek relief from Section 104.1, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The use of the subject property, 2532, as four (4) apartments was allowed under the 1945 regulations, and predates the establishment of the zoning regulations passed in 1955. It therefore is clearly nonconforming. The uncontroverted testimony indicated that the use of the subject property for four (4) apartments has been continuous and without interruption since approximately 1946 to the present time.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should 09/29/88:29'L'JB.1

be granted as to 2532 Yorkway only. Proceedings with respect to 2534 Yorkway will be continued after the property is posted again giving notice of the amended request.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of September, 1988, that the nonconforming use of 2532 Yorkway as a four (4) unit apartment building, in accordance with Petitioners' Exhibit #1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order; and,

IT IS FURTHER ORDERED, that this matter be continued with respect to 2534 Yorkway to allow a reposting of the property and further opportunity to be heard.

> Im H Nastawa ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-2353

J. Robert Haines

Zoning Commission

September 29, 1988

Anthony J. DiPaula, Esquire 614 Bosley Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING SW/Corner Yorkway and Leeway (2532 and 2534 Yorkway) 12th Election District - 7th Councilmania District Brijdeo Shivnarain - Petitioner Case No. 89-103-SPH

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in the case of 2532 Yorkway in accordance with the attached Order. In the matter of 2534 Yorkway, it is agreed that the property will be reposted and a continued hearing scheduled for the presentation of additional testi-

In the event any party finds the decision rendered in the matter of 2532 Yorkway is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte

Very truly yours,

ANN M. NASTAROWICZ

for Baltimore County

AMN:bjs

cc: People's Counsel

Dennis F. Rasmussen

11000 BT Contract Purchaser: (as to 2532, owner Legal Owner(s): (of 2532 only) of 2534) Brijdeo Shivnarain Daniel M. Abbott (Type or Print Name) Beide Chaniel M. afford Joan A. Abbott fandllhatt 305 Eastern Boulevard (Type or Print Name Norma J. alfato Baltimore, MD 21221 City and State 391-4883 Attorney for Petitioner: Norma J. Abbott Anthony J. DiPaula 4713 Harford Road 426-1338 (Type on Print Name) Baltimore, MD 21214 614 Bosley Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, MD 21204 Anthony J. DiPaula Attorney's Telephone No.: 828-9441

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_\_, 19\_8, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore That day of September, 1958, at // o'clock

Zoning Commissioner of Baltimore County

614 Bosley Ave., Towson, MD 21204

Phone No. 828-9441

Z.C.O.—No. 1

Deputy Zoning Commissioner

Usa M. Nastarowecz

\* DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY 7th Councilmanic District

Brijdeo Shivnarain Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \*

\* Case No. 89-103-SPH

The Petitioner herein requests a special hearing to approve the nonconforming use of one five (5) unit apartment dwelling at 2534 Yorkway, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by Anthony J. DiPaula, Esquire. Also appearing on behalf of the Petition was Michael B. Dallas, Surveyor.

This special hearing request is a continuation of the hearing held on September 29, 1988 on both 2532 Yorkway and 2534 Yorkway owned by Petitioner. The continuance was necessary as the original Petition, adver-+isement and posting of the properties listed 2534 Yorkway as a four (4) unit apartment dwelling rather than a five (5) unit building. It was determined at that time that the hearing should be continued in the event that Protestants who did not care to appear at the last hearing felt differently as a result of the change in number of the units. There were no Protestants in attendance at either hearing.

Testimony indicated that the subject property, known as 2534 Yorkway, presently contains five apartments. Testimony indicated that Petitioner purchased the property in May 1988 and at the time of his purchase and since, all five apartments have been continuously occupied without interruption.

Mrs. Nancy Capecci, who testified at the hearing scheduled on September 29, 1988, submitted an affidavit marked Petitioner's Exhibit 4 for this hearing which indicates that she first became acquainted with the apartment buildings on Yorkway in 1946 when she and her husband purchased 2528 Yorkway, which is located in the same group as the subject proper-Mrs. Capecci testified she moved into 2528 Yorkway in 1947 and lived there until 1962. Thereafter, she continued to own 2528 Yorkway until 1985. Mrs. Capecci testified she is familiar with the property and indicated that all buildings in the area were originally built between 1943 and 1946 with four apartment units, with the exception of 2534 Yorkway, which had a basement apartment unit. She indicated the basement apartment was initially used as a sales office and subsequently, some time prior to 1954, was converted into an apartment. !'rs. Capecci testified she remembered knowing several of the families who had rented the fifth apartment unit with children the same age as hers and that their children had played together. Mrs. Capecci introduced as Petitioner's Exhibit 2 a copy of a flier from the 1940s advertising the properties for sale andlisting the properties as "brick apartment houses, four individual apartments in each house." Said flier indicates the apartments were built in 1943. She further testified to the best of her knowledge that all the

Mrs. Marge Capecci, who testified at the September 29, 1988 hearing, submitted an affidavit marked Petitioner's Exhibit 5. At the hearing of November 15, 1988, Mrs. Capecci testified she lived at 2526 Yorkway in 1945 for two years. She indicated she then moved to another location in

buildings in her unit, which includes 2534 Yorkway, were continuously and

without interruption occupied as four units, with 2534 Yorkway being occu-

pied as a five unit apartment building.

the area and continued to frequent the Yorkway area to visit family and friends over the course of the next 40 years. Ms. Capecci further indicated she specifically remembers 2534 Yorkway being occupied as four apartment units with the sales office in the basement. Mrs. Capecci testified to the best of her recollection the basement sales office was converted to a fifth apartment unit shortly after 1946.

To further support his case, Petitioner introduced as Petitioner's Exhibit 3 the affidavit of Anita Cavoures. Ms. Cavoures testified she purchased 2516 Yorkway in 1948 or 1949. She indicated that she lived there for 15 years and continues to own the property. She further indicated she currently lives at 51 Yorkway. Ms. Cavoures' affidavit indicates that 2534 Yorkway was used as a four unit apartment building with a basement unit originally occupied as a sales office and converted to a fifth apartment prior to 1955.

Petitioner seeks relief from Section 104.1, pursuant to Section 500 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations. The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr.

Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

> "A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office

mine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. Testimony presented indicated the apartment building was completed prior to 1945 and occupied as a four with a fifth unit in the basement origi-

104.1, is whether or not there has been a change in the use of the subject

property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

that the nonconforming use of 2534 Yorkway as a five (5) unit apartment dwelling does exist and that such use has been continuous and uninterrupted without change or expansion.

public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of December, 1988 that the Petition for Special Hearing to approve the nonconforming use of one five (5) unit apartment dwelling at 2534 Yorkway, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order.

/ MNestannia ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 XXXXXX 887-3353 J. Robert Haines Zoning Commissioner

December 27, 1988

Anthony J. DiPaula, Esquire 614 Bosley Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING SW/Corner Yorkway and Leeway (2532 and 2534 Yorkway)

12th Election District - 7th Councilmanic District Brijdeo Shivnarain - Petitioner Case No. 89-103-SPH

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

A Nastawia ANN M. NASTAROWICZ

Dennis F. Rasmussen

AMN:bjs

cc: People's Counsel

buildings. The second reads as follows: "Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)" As with all non-conforming use cases, the first task is to deter-

nally used as a sales office and later converted to an apartment. The second principle to be applied, as specified in Section

File

Based upon the testimony and evidence presented, it is clear

Pursuant to the advertisement, posting of the property, and

Deputy Zoning Commissioner for Baltimore County

## AMENDED PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the nonconforming use of one (1) four unit apartment dwelling at

2532 Yorkway and one (1) five unit apartment dwelling at 2534 Yorkway, both in a D.R. 10.5 Zone.

Property is to be posted and advertised as prescribed by Zoming Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltmore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s): Brijdeo Shivnarain	E. D
(Type or Print Name)	(Type or Print Name)	DATE
Signature	Signature	1000
Address	(Type or Print Name)	DP
City and State	Signature	
Attorney for Petitioner: Anthony J. DiPaula	305 Eastern Boulevard	391-4883
(Type or Print Name)) / /	Address	Phone No.
Mary MA	Baltimore, Maryland 212	21
Signature	City and State	
614 Bosley Avenue  Address Towson, Maryland 21204	Name, address and phone number of legal owner, contract purchaser or representative to be contacted Anthony J. DiPaula	

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of Motoles, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of November, 1988, at 10 o'clock

> A. Robert Haires Zoning Commissioner of Baltimore County.

614 Bosley Avenue - 21204 828-9441

328-9441

City and State

Z.C.O.-No. 1

The Zoning Commissioner of Balteriore County, by surnoring of the Zoning Act and Regulations of Belteriore County will hold a public hearing on the property identified herein in Floom 106 of the County Office Building, located at 111 W. Chesapeake Aconue in Toward, Maryland as 13-jours:

Postion for Special Hearing, Case number, 89-103-SPM SW/C Yorkines, 254-bearing, 12th Election District 7th Councilmand Petroner(s):

Bridge Shivnarain Hearing Date: Tuesday, Nov. 15, 1, 98 at 10:00 a.m.

Special Hearing: Noncontoring has of one (1) five unit apertinent dwelling at 2534 Yorkway of PHAN 5 IN EFFECT ON THIS DATE. CASE FECT ON THIS DATE. CASE MAY BE RESCHEDULED. ALL 494-3351 TO CONFIFM DATE. In the event that this Perition is granted, a huilding parmit may be issued within the thirty (30) day appeal period. The Zoning Commissioner wif, ton-ever, entertain any request for a stay of the issuence of said perint during this sence of said perint during this period for good cause shown. Such request must be in writing and received in this office by the date of the treating set above or preserved at the hearing.

Attorney's Telephone No.:

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 28 19.88 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 27 , 19.88.

THE JEFFERSONIAN,

PO 05231 M20373 price \$41.25 J MICHAEL B. DALLAS 24 W. PENNSYLVANIA AVENUE TOWSON, MD. 21204

ZONING DESCRIPTION No. 2532 YORKWAY

BEGINNING for the same on the southwestern side of Yorkway (50 feet wide) at a point distant 61.99 feet northwesterly along a curve to the left having a radius of 4,075.00 feet from the corner formed by the intersection of the southwestern side of Yorkway and the northwestern side of Leeway (60 feet wide), said place of beginning being in line with the centerline of a partition wall between the building erected on the lot now being described and the building erected on the lot next adjacent to the southeast; thence running and binding on said line to, through and beyond said partition wall South 38 degrees 30 minutes 29 seconds West 123.65 feet to the northeast side of a 14 foot alley there situate; thence running and binding along said northeast side of said 14 foot alley North 51 degrees 06 minutes 49 seconds West 49.20 feet to a point in line with the centerline of a partition wall at the division line between the building erected on the lot now being described and the building erected on the lot next adjacent to the northwest; thence running and binding on said line to, through, and continuing beyond said herein lastly mentioned partition wall North 38 degrees 30 minutes 29 seconds East 123.62 feet to the southwestern side of said Yorkway (50 feet wide), thence Southeasterly by a line curving to the right with a radius of 4,075.00 feet the arc distance of 49.01 feet to the place of beginning. The improvements thereon being known as No. 2532 Yorkway.

	CERTIFICATE OF POSTING  ZONING DEPARTMENT OF BALTIMORE COUNTY  Toursen, Maryland
	Dete of Posting 9/13/88
107	Dete of Posting
District	2 / Hooring
Posted for:	Special Medibility of
Petitioner: -/3	Special Hooring  Special Hooring  Tijdeo Shi unor ain / Donie / M. Abbott, etal  Tijdeo Shi unor ain / Donie / M. Abbott, etal  To Sw/cor Loway & York Way  7532 +34 York Way
Location of proper	ty art yorkwey
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	Tocing forkway approx 45" Ft. You dway,  Docty of Retitioner
Location of Signs	1 O. t. Trongs
on Pr	2 Porty of Peterson
,	MATTERLEY Date of return: 9/14/85
Remarks:	Matterley Date of return:

CERTIFICATEOF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place P.O. Box 8936 Dundalk, Md. 21222

Number of Signe:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

494-3353 MOTICE OF HEARING

The Zoning Commissioner of Balti-more County, by authority of the Zon-

ing Act and Regulations of Baltimore County will hold a public hearing on

County will hold a public reaching the property identified herein in Room 106 of the County Office Building, lecated at 111 W. Chesapasans and in Towson, Maryland is follows:

Petition for Special Hearing CASE NUMBER: 89-103-SPH

at 10:00 a.m.

Special Hearing: Nonconforming use
of one (1) live task spartment dwell-

of one (1) IND CALL
ing at 2534 Yorkway.
"IF PHASE IL OF SNOW EMER"IF PHASE IL OF SNOW EMEREENCY PLAN IN EFFECT ON THIS
DATE, CASE MAY BE RESCHEDULED. CALL 494-3391 TO CONFIRM

In the event that this Petition is granted, a building permit may be is-sued within the thirty (30) day appeal

period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit

stay of the issuance of good cause during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or pre-

October 27,

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. - Case #89-103-SPH - P.O. #05232 - Req. #M20363 - 82 lines § \$41.00. The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week successive weeks before the  $19_{88}$ ; that is to say,

day of October the same was inserted in the issues of Oct. 27, 1988

> Kimbel Publication, Inc. per Publisher.

MICHAEL B. DALLAS SUITE 200

24 W. PENNSYLVANIA AVENUE

TOWSON, MD. 21204

ZONING DESCRIPTION

No. 2534 YORKWAY

BEGINNING for the same on the southwestern side of Yorkway (50 feet wide) at the corner formed by the intersection of the southwestern side of Yorkway and the northwestern side of Leeway (60 feet wide), thence running and binding on said northwestern side of Leeway (60 feet wide) South 34 degrees 11 minutes 20 seconds West 123.25 feet to the northeast side of a 14 foot alley there situate: thence running and binding along said northeast side of said 14 foot alley North 51 degrees 06 minutes 49 seconds West 71.24 feet to a point in line with the centerline of a partition wall at the division line between the building on the lot now being described and the building erected on the lot next adjacent to the northwest; thence running and binding on said line to. through, and continuing beyond said herein mentioned partition wall North 38 degrees 30 minutes 29 seconds East 123.65 feet to the southwestern side of said Yorkway (50 feet wide), thence Southeasterly by a line curving to the right with a radius of 4.075.00 feet the arc distance of 61.99 feet to the intersection of the southwestern side of Yorkway and the northwestern side of Leeway (60 feet wide), and the place of beginning. The improvements thereon being known as No. 2534 Yorkway.

CERTIFICATE OF PUBLICATION

Dundalk Eagle

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

cated at 111 W. Chesapeake Avenue in Towson, Maryland as follows: Patition for Special Hearing CASE NUMBER: 89-103-SPH SWIC Yorkway and Leeway (2532 and 2534 Yorkway) 12th Election District 7th Councilmanic District
Petitioner(s): Brijdee Shivnarain Daniel M. Abbett, et al HEARING SCHEDULED: THURSDAY, SEPT. 29, 1988

KOTICE OF HEARING

more County, by authority of the Zon-

ing Act and Regulations of Baltimore

County will hold a public hearing on

the property identified herein in Room

106 of the County Office Building, lo-

at 11:08 a.m. Special Hearing: To approve the non-conforming use of two (2) four-unit apartments dwellings. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appea period. The Zoning Commissioner will, however, entertain any request for a - stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this effice by the date of the hearing set above or presented at the hearing.
J. ROBERT HAIRES

Zoning Commissioner of Baltimere County

THIS IS TO CERTIFY, that the annexed advertisement of Robert Haines in the matter of Zoning Hearings -Case #89-103-SPH - P.O. #04070 - Req. #M18932 - 73 lines inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week XSUCCESSIVE weeks before the  $19_{88}$ ; that is to say, day of September

the same was inserted in the issues of September 1, 1988

Kimbel Publication, Inc. per Publisher.

September 1,

By K. C. Oelke

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

August 17, 1988

NOTICE OF HEARING

Dennis F. Rasmussen County Executive The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111

Petition for Special Hearing CASE NUMBER: 89-103-SPH SW/C Yorkway and Leeway (2532 and 2534 Yorkway) 12th Election District - 7th Councilmanic Petitioner(s): Brijdeo Shivnarain/Daniel M. Abbott, et al HEARING SCHEDULED: THURSDAY, SEPTEMBER 29, 1988 at 11:00 a.m.

W. Chesapeake Avenue in Towson, Maryland as follows:

Special Hearing: To approve the non-conforming use of two (2) four-unit apartments dwellings.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Brijdeo Shivnarain Daniel M. Abbott, et ux Anthony J. DiPaula, Esq.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District 12 Th	Date of Posting 10/25/45
Bud to Special Hearing	Date of Posting
Posted for: Special Hearing Petitioner: Brijdeo Shid nors	( 7)
Location of property: Sw /cor, Yorkw	by + Las Way
Location of property: Sw / Cor, Yur two  3534 /firt woy  Location of Signe: Freing Yert woy, 922	7
Location of Signer Foreign York Wor 622	rus. 30 Fr. Yua & Way, ex
property of Potition	<i>"</i>
Remarks:	
Posted by Manager Posted by	Date of return: 18/35/88
Number of Signs:	

Augustus et de la companya de la co				
	"DUPLICATE"			
•				
	CERTIFICATE OF PUBLICATION			
NOTICE OF HEARING				
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations	TOWSON, MD.,			
public hearing on the business identified herein in Room 106 of the County Office Building, lo-				
enue in Towson, Maryland as fol- lows:				
Patition for Special Hearing Case number: 69-103-SPH SW/C Yorkway and Leeway (2532 and 2534 Yorkway)				
7th Councilmanic Petitioner(s): Brijdeo Shivnarain/Daniel M. Abbott, et al Hearing Date: Thursday,	ing on Rest. 1987			
Sept. 29, 1966 at 11:00 a.m.	Po#04069			
Special Hearing: To approve the non-conforming use of two (2) four-unit apartments dwellings. In the event that this Petition is in the event that this Petition is	Reci# M18924 THE JEFFERSONIAN,			
granted, a building permitting (30) day issued within the thirth (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issue of the issue of the instance of	\$ 35.63 S. Zefe_ Onin			
period for good cause shown Such request must be in writing and received in this office by the date of the hearing set above of presented at the hearing.	Publisher			
J. ROBERT HAINES Zoning Commissioner of Baltimore County				
9/015 Sept. 1.				

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Anthony J. DiPaula, Esq. 614 Bosley Avenue Towson, Maryland 21204

Re: Petition for Special Hearing Case number: 89-103-SPH SW/C Yorkway and Leeway (2532 and 2534 Yorkway)

12th Election District - 7th Councilmanic Petitioner(s): Brijdeo Shivnarain/Daniel M. Abbott, et al Hearing Scheduled: Thursday, September 29, 1988 at 11:00 a.m.

Date: 9/15/88

Dear Mr. DiPaula:

Please be advised that \_\_\_\_\_\_ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office

Building, Room 111, Towson, A	Maryland 21204 fifteen begin.	(15) minutes before
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 059034	d post set(s), there r each set not
DATE 9/29/88 ACCOUNT 1-	01-615-000	- s,
RECEIVED Shernasau 12	87.13 De Alfatt	- rines
FOR Tolly Golf	7/29/85 Leary	ioner of ty

8 B 058 .... 812 - 1613 - 5/ VALIDATION OR SIGNATURE OF CASHIER

Baltimere County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

\*IF PHASE II OF SNOW EMERGENCY PLAN IN EFFECT ON THIS DATE, CASE MAY BE RESCHEDULED. CALL 494-3391 TO CONFIRM DATE.

Date: 11/2/88

Mr. Brijdeo Shivnarain 305 Eastern Boulevard Baltimore, Maryland 21221

Petition for Special Hearing CASE NIMER: 89-103-SPH SW/C Yorkway and Leeway

(2534 Yorkway) 12th Election District - 7th Councilmanic Petitioner(s): Brijdeo Shivnarain

HEARING SCIEDULED: TUESDAY, NOVEMBER 15, 1988 at 10:00 a.m. #

Dear Mr. Shivnarain:

Please be advised that \( \frac{\frac{\frac{91.25}}{91.25}}{\} \) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines J. ROBERT HAINES Zoning Commissioner of Baltimore County

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Baltimore County

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-103-SPH SW/C Yorkway and Leeway (2534 Yorkway) 12th Election District - 7th Councilmanic Petitioner(s): Brijdeo Shivnarain HEARING SCHEDULED: TUESDAY, NOVEMBER 15, 1988 at 10:00 a.m.\*

Special Hearing: Nonconforming use of one (1) five unit apartment dwelling at 2534 Yorkway.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

> BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING. SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY. TELEPHONE DOCKET CLERK

Dennis F. Rasmussen
County Executive

Zoning Commissioner of Baltimore County Brijdeo Shivnarain Anthony J. DiPaula

09/26/88:557.DR:ECC10239

4. All of the apartment buildings in the entire neighborhood, where I have lived since 1948 or 1949, including 2532 and 2534 Yorkway, have been continuously rented and occupied with the exception of only partial and temporary vacancies normal and customary to multi-Family rentals, up through the present time.

I SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY AND UPON MY PERSONAL KNOWLEDGE THAT THE MATTERS AND FACTS STATED HEREIN ARE TRUE.

Anita Cavoures Baltimore, Maryland 21222 10/24/88:818.RG:ECC10239

J. ROBERT HAINES

BEFORE THE IN RE: ZONING COMMISSIONER PETITION FOR SPECIAL HEARING SW/C Yorkway and Leeway (2532 and 2534 Yorkway) 12th Election District BALTIMORE COUNTY 7th Councilmanic BRIJDEO SHIVNARAIN, DANIEL ABBOTT, et al Case No. 89-103-SPH \* \* \* \* \* \* \* \*

<u>AFFIDAVIT</u>

I, Nancy Capecci, hereby certify that I am over 18 years of age and competent to testify as follows:

My 1. And I first purchased 2528 Yorkway in 1946 and lived there from 1947 through 1962. We continued to own that property until 1985, but rented it between 1962 and 1985. I reacquired the property in 1987.

2. During the entire period of time that I lived at 2528 Yorkway, as well as the period that I was visiting the property on a weekly and sometimes a daily basis in my capacity as a landlord, the property known as 2534 Yorkway consisted of five (5) apartment dwelling units. When we first moved in, it was 4 (four) apartment units with a sales\rental office down in the basement, but that office was converted to an apartment shortly after we moved in, and definitely prior to 1954.

PETITIONER'S
EXI-IIBIT

10/24/88:818.RG:ECC10239

3. All of the buildings in that entire area, where I have lived and frequented since 1946, including 2534 Yorkway, have been continuously rented and occupied with the exception of only partial and temporary vacancies normal and customary to multi-family rentals, up through the present time.

VETERANS ATTENTION

THE MOST SENSATIONAL OFFER EVER MADE

BRICK APARTMENT HOUSES

4 Individual Apartments In Each House.

LANGE DIVING MOON BLEE IS FEET & INCHES WIDE BY IT FEET & INCHES WIDE BEDROOM HAS INO SEPARATE CLOSETS TO

CHURCHES OF ALL DENOMINATIONS. PLATGROUNDS AND MODERN SHOPPING CENTER NEARBY, AND A NEW MILLION

DOLLAR HIGH SCHOOL WITHIN TWO BLOCKS. BALL WATER DATHING BEACH WITHIN FIVE MINUTES RIDE

INCLUDING GHOUND

CONSTRUCTION OF THESE HOMES WAS SUPERVISED AND INSURED BY

IF YOU MAKE A CASH PAYMENT OF \$500.00 AND FINANCE YOUR MORIGAGE UNDER F.H.A.

VETERANS ADMINISTRATION APPROVED LOAM, YOUR INCOME AND EXPENSES WOULD BE AS FOLLOWS:

VITE AND

AMOUNT LEFT FROM MONTHLY RENT AFTER PAYING MORTGAGE AND ALL EXPENSES. ... \$ 22.75

OR YOU CAN LIVE IN ONE APARTMENT RENT FREE AND STILL HAVE A NICE INCOME

Take 26 car to Dundalk and Liberty Parkway; walk to end of 2500 block Liberty Parkway (Leeway); turn 150 cm.

lest on Leeway I block. Sample House on corner,

JEROME J. GEBHART, Agent

SEE THE FURNISHED SAMPLE APARTMENT 1ST FLOOR 2534 YORKWAY OPEN DAILY-SATURDAY-SUNDAYS-12 NOON TO 7:30 P. M.

EXHIBIT 2

YOUR TOTAL MONTHLY PROFIT ..... 65.80

PHONE DUNDALK 1791

Your rent received from two spartments at \$13.00 pagemonth

FEDERAL HOUSING ADMINISTRATION

CENTER HOUSES SLIGHTLY LOWER

PRICE \$17,000.00

ALL PREWAR MATERIALS

TOTAL RECEIVED PER MONTH \$176.00

SEPARATE ENTRANCE FROM MAIN HALLWAYS

MIRANCE HALL WITH COAT CLOSET,

BUILT IN 1943

. THESE ARE O. P. A. APPROVED BENTS.

1/18 OF YOUR ANNUAL COUNTY TAXES

COAL USED, 18 TONS AT \$12.00 PER TON..... WATER USED PER YEAR (AVERAGE) ..

MAINTENANCE OF PARES, STREET, LIGHTS, ETC.

AVIDED BY 12 MONTHS, EQUALS PER MONTH...

TOTAL ANNUAL EXPENSES OTHER THAN MORTGAGE...

ELECTRICITY USED PER YEAR (AVERAGE).

1/12 OF YOUR FIRE INSURANCE.....

LARGE LIVING ROOM SIZE 12 FEET & INCHES WIDE BY 17 FEET 2 INCHES LONG.

SEPARATE STORAGE ROOM IN BASEMENT FOR EACH APARTMENT,
LAUNDRY TUBS AND TOILET IN BASEMENT, HARDWOOD FLOORS AND SUB FLOORS.

Your rent received from two apartments at \$45

YOUR MORIGAGE WOULD BE \$18,500.00 FOR 20 YEAR TERM

Balance of income left to you after morigage payment .....

Add to this the amount you have paid off (saved) on your mortgage ......

YOUR OTHER YEARLY EXPENSES FOR RUNNING THE HOUSE ARE

YOUR MONTHLY PAYMENT ON THE MORIGAGE WOULD BE

PAYMENT ON MORTGAGE (SAVINGS FOR YOU).....

YOUR TOTAL MONTHLY PAYMENT ON MORTGAGE

LARGE THE BATHROOM WITH BATTITUB AND SHOWER BATH AND LARGE LINER CLOSET.

ENTRANCE HALL WITH COAT CLOSET, THE RESERVE AND WESTINGHOUSE ELECTRIC RETRIGERATION WATER HEATING PLANT WITH SEPARATE THERMOSTAT IN EACH APARTMENT,

EACH APARTMENT HAS

4. To the extent that I may have testified to further matters not contained herein at an open hearing on September 29, 1988 before the Deputy Zoning Commissioner for Baltimore County, my testimony would be the same as the testimony offered that day, and I specifically reaffirm, restate, and incorporate my testimony from that day into this Affidavit.

I SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY AND UPON MY PERSONAL KNOWLEDGE THAT THE MATTERS AND FACTS STATED HEREIN ARE TRUE.

Baltimore, Maryland 21222

09/26/88:557.DR:ECC10239

IN RE: PETITION FOR SPECIAL HEARING SW/C Yorkway and Leeway

(2532 and 2534 Yorkway) 12th Election District

BEFORE THE ZONING COMMISSIONER

7th Councilmanic BRIJDEO SHIVNARAIN. DANIEL ABBOTT, et al

BALTIMORE COUNTY

Case No. 89-103-SPH

Petitioners

<u>AFFIDAVIT</u>

\* \* \* \* \* \* \* \* \*

I, Anita Cavoures, hereby certify that I am over 18 years of age and competent to testify as follows:

1. I first purchased 2516 Yorkway in 1948 or 1949 and have owned it continuously since then.

2. I lived in 2516 Yorkway for approximately 15 years, then moved to 51 Yorkway where I now reside.

3. All of the buildings in the entire area, 2516 Yorkway included, and specifically including the buildings which are the subject of this action, 2532 and 2534 Yorkway, were originally built as four-unit apartment buildings, with the exception of 2534 which had a basement unit originally utilized as the sales office and later, but before 1955, used a fifth apartment unit.

10/24/88:819.RG:ECC10239

IN RE: PETITION FOR SPECIAL HEARING SW/C Yorkway and Leeway (2532 and 2534 Yorkway)

BEFORE THE ZONING COMMISSIONER

12th Election District 7th Councilmanic

BALTIMORE COUNTY

BRIJDEO SHIVNARAIN, DANIEL ABBOTT, et al

Case No. 89-103-SPH

Petitioners \* \* \* \* \* \* \* \* \*

<u>AFFIDAVIT</u>

I, Marge Capecci, hereby certify that I am over 18 years of age and competent to testify as follows:

1. I first lived at 2526 Yorkway in 1945 and lived there for approximately two (2) years. We attempted to purchase but were unable to do so and instead rented the property. We then moved to 6918 Homeway, very nearby to this apartment neighborhood, and continued to frequent the Yorkway area to visit family and friends over the course of the next forty (40) years up to the present.

2. I specifically recall the property known as 2534 Yorkway, an end of group, in that same originally contained four (4) apartment dwelling units with a sales office in the basement, which in 1946 or shortly thereafter, was converted to a fifth apartment dwelling unit in the basement.

3. I specifically recall my children playing with the children of families who lived in that basement apartment at 2534 Yorkway, and can state that I have frequently visited to yorkway

- 2 -

- 2 -

## 10/24/88:819.RG:ECC10239

area and these particular buildings between 1946 and the present, and can state that same have been continuously rented and occupied with the exception of only partial and temporary vacancies normal and customary to multi-family rentals, up through the present time.

4. To the extent that I may testified to further matters not contained herein at an open hearing on September 29, 1988 before the Deputy Zoning Commissioner for Baltimore County, my testimony would be the same as the testimony offered that day, and I specifically reaffirm, restate, and incorporate my testimony from that day into this Affidavit.

I SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY AND UPON MY PERSONAL KNOWLEDGE THAT THE MATTERS AND FACTS STATED HEREIN ARE TRUE.

Dated: Navember 2, 1988

Marge Capecci 6819 Homeway Avenue Dundalk, Maryland 21222

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

August 5, 1988

- 2 -

Dennis F. Rasmussen
County Executive

Mr. J. Mobert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. haines:

The Bureau of Traffic Engineering has no comments for items number 475, 476, 482, 487, 1,2,3,4,7,8,9 and 10)

Very truly yours,

Stephen E. Weber, P.E. Assistant Traffic Engineer

SEW/CF/lab

89-103-4

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

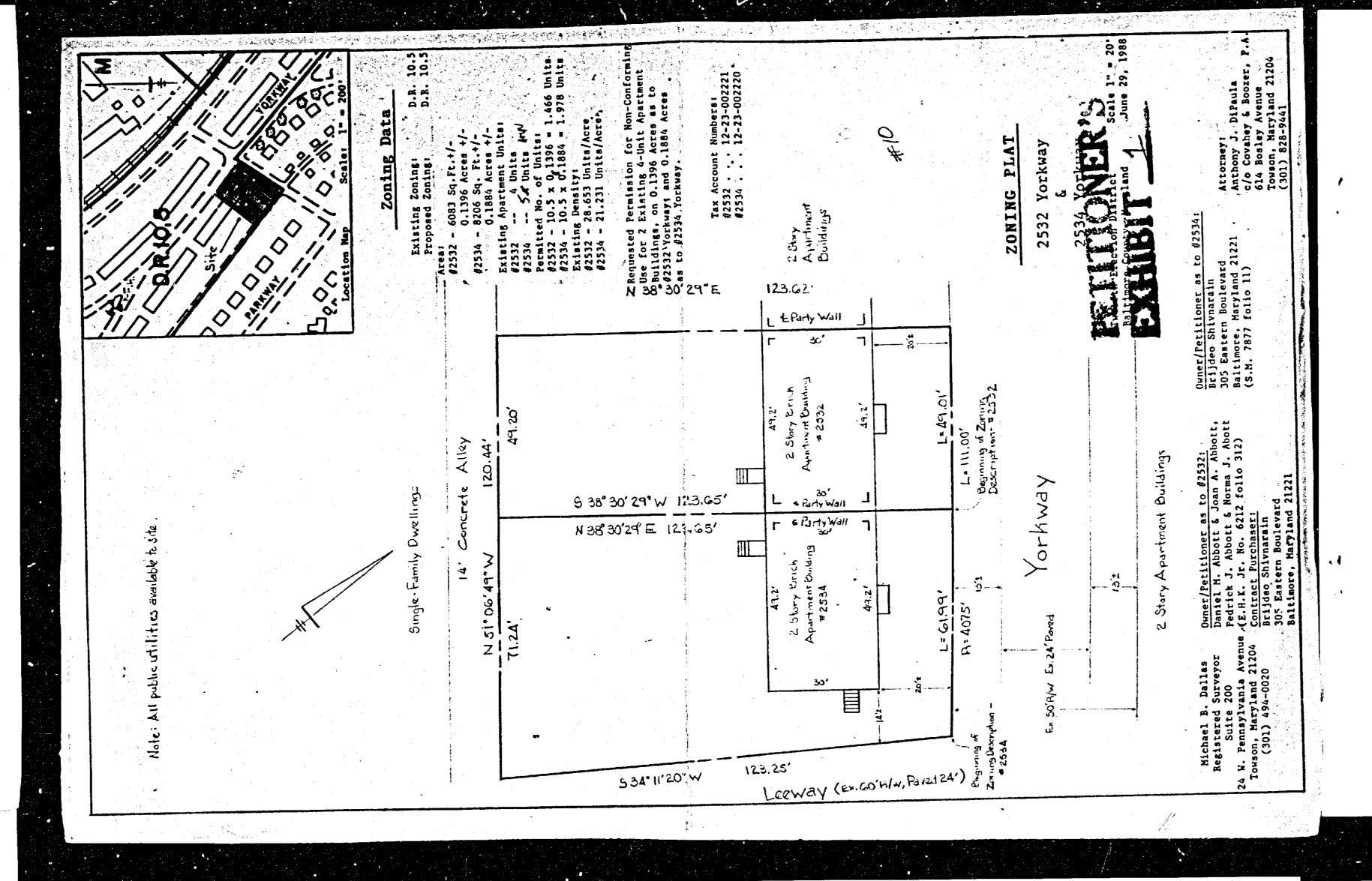
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this

VZONING COMMISSIONER

Brijdeo Shivnarain -Petitioner s Petitioner s Attorney

Received by: James E. Byer Chairman, Zoning Plans Advisory Committee



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Bureau of

Fire Prevention

Health Department

Project Planning

**Building Department** 

Board of Education

Zoning Administration

Industrial

Anthony J. DiPaula, Esquire 614 Bosley Avenue Towson, Maryland 21204

> RE: Item No. 10 - Case No. 89-103-A Petitioner: Brijdeo Shivnarain -Daniel M. Abott, et al Petition for Special Hearing

September 20, 1988

Department of Traffic Engineering Dear Mr. DiPaula:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, Cramer 4. Dyer/tt

JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:dt

cc: Michael B. Dallas Registered Surveyor Suite 200 24 W. Pennsylvania Avenue Towson, Maryland 21204

COVAHEY & BOOZER, P. A. ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204 AREA CODE 301

828-9441

FAX 301-296-2131

EDWARD C. COVAHEY, JR. F. VERNON BOOZER MARK S. DEVAN ANTHONY J. DIPAULA THOMAS P. DORE

606 BALTIMORE AVE. TOWSON, MD. 21204 AREA CODE 301 July 22, 1988 828-5525

J. Robert Haines Zoning Commissioner for Baltimore County County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

828-9441

D REPLY TO:

SUITE IOI

ANNEX OFFICE

RE: Petition for Special Hearing Item No.: 10 Petitioner: B. Shivnarain, Daniel Abbott, et. al.

2532 and 2534 Yorkway Dear Mr. Haines:

As counsel for the petitioners in the above matter, this is to request an expedited hearing. The one property is under Contract for Sale, and the contract and FHA Loan Commitment expire on September 15, 1988. If settlement does not occur by then, all is lost. Approval of the loan is contingent upon this hearing and the result therefrom.

This case is like many others which have come before you to determine whether these properties are legal nonconforming uses. Each contains only four (4) apartments. Inasmuch as comments on these cases from the various county departments have been scant and sometimes non-existent, this would seem an appropriate instance for an expedited hearing.

I await your advice, and appreciate whatever help you can provide.

AJD:smm

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204 AREA CODE 301 828-9441

FAX 301-296-2131

DREPLY TO: ANNEX OFFICE 606 BALTIMORE AVE. TOWSON, MD. 21204 AREA CODE 301

Ms. Ann M. Nastarowicz County Office Building Towson, Maryland 21204

Re: 89-103-SPH

Enclosed please find three (3) copies of a revised site plan in connection with the above. As you may recall, the matter was originally heard on September 29, 1988 at which time you corrected the site plan by hand and accepted same as Exhibit one at the hearing. The enclosed simply represents a corrected copy of

hearing be before you, but before I had a chance, it was scheduled. If there is any problem with you handling this par-

Paul H. Reincke J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, Maryland 21204-2586

Fire Department

Towson, MD 21204 Re: Property Owner: Brijdeo Shivnarain/Daniel M. Abbott, et al

Location: SW/C Yorkway & Leeway / 2532 & 2534 Yorkway

Zoning Agenda: Meeting of 7/19/88 Item No.: 10

July 26, 1988

Pursuant to your request, the referenced property has been surveyed by this

Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. ( ) 1. Fire hydrants for the referenced property are required and shall be

located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(  $_{\mathbf{X}}$  ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

Noted and

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time

EDWARD C. COVAHEY, JR. F. VERNON BOOZER MARK S. DEVAN ANTHONY J. DIPAULA THOMAS P. DORE

October 24, 1988

Deputy Zoning Commissioner for Baltimore County 111 West Chesapeake Avenue

Petition for Special Hearing 2534 Yorkway Petitioner: Brijdeo Shivnarain

Dear Ms. Nastarowicz:

what was done at the hearing.

I am advised that the matter has been rescheduled for the continuation of the hearing on Tuesday, November 15, 1988 at 10:00 am. As I recall, I was to specifically request that that ticular matter, please advise.

AJD/vjg Enclosures

24 RG.1